

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 HANIF ABDULLAH MUJAHID,

9 Plaintiff,

10 v.

11 KELLY J. CUNNINGHAM, et al.,

12 Defendants.
13

CASE NO. C10-5916BHS

ORDER GRANTING
DEFENDANTS' SECOND
MOTION FOR SUMMARY
JUDGMENT

14 This matter comes before the Court on Defendants' second motion for summary
15 judgment. Dkt. 97. Defendants' motion seeks summary judgment and dismissal of all of
16 Plaintiff Hanif Abdullah Mujahid's ("Mujahid") remaining claims alleged in his
17 complaint. *Id.* Mujahid has failed to file a response to the motion.

18 A motion for summary judgment should not be granted simply because there is no
19 opposition, even if the failure to oppose violated a local rule. *See Henry v. Gill Indus.*,
20 983 F.2d 943, 950 (9th Cir. 1993). Rather, the moving party must demonstrate the
21 absence of genuine issues of material fact, regardless of whether the party against whom
22

1 the motion for summary judgment is directed has filed any opposition. *See Cristobal v.*
2 *Siegel*, 26 F.3d 1488, 1491 (9th Cir. 1994).

3 Here, Defendants have demonstrated the absence of genuine issues of material fact
4 and, in addition, an entitlement to qualified immunity. *See* Dkt. 97. Mujahid has failed
5 to file an opposition. Accordingly, the Court concludes that Defendants' motion for
6 summary judgment should be granted.

7 The Court, having considered the pleadings filed in support of the motion and the
8 remainder of the file, does hereby find and **ORDER** that Defendants' motion for
9 summary judgment (Dkt. 97) is **GRANTED** and the remaining claims alleged in
10 Mujahid's complaint are **DISMISSED with prejudice**.

11 Dated this 18th day of May, 2012.

13
14 

15 BENJAMIN H. SETTLE
16 United States District Judge
17
18
19
20
21
22